

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Governor Jesse Ventura, a/k/a James G.
Janos, an individual,

Civil No. _____

Plaintiff,

NOTICE OF REMOVAL

vs.

Chris Kyle, an individual,

Defendant.

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MINNESOTA:

PLEASE TAKE NOTICE that Defendant Chris Kyle (“Kyle”) hereby removes this action pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 from the Fourth Judicial District Court, Hennepin County, Minnesota (the “District Court”), to the United States District Court for the District of Minnesota. In support of this Notice, Kyle states as follows:

1. On January 26, 2012, Plaintiff Jesse Ventura, a/k/a James G. Janos (“Ventura”) commenced this civil action in the District Court by serving (but not filing) the Summons and Complaint on the Defendant, named in the caption of the Complaint as Chris Kyle. (*See* Compl. at 1 (Ex. B).)

2. Plaintiff seeks damages for alleged injuries that he contends were caused by Kyle’s publication of certain statements about him. Plaintiff’s claims are based on theories of defamation, misappropriation of name and likeness, and unjust enrichment. (Compl. ¶¶35–51.)

3. Copies of the Summons and the Complaint served by the Plaintiff are attached hereto as Exhibit A and Exhibit B, respectively.

4. On January 26, 2012, a copy of the Summons and Complaint were personally served on Kyle. Kyle has filed no pleadings in the District Court in this action.

5. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is made within thirty days of Kyle's receipt, by service or otherwise, of a copy of Plaintiff's Complaint.

6. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §1332(a) because the parties have diverse citizenships, and the amount in controversy exceeds \$75,000.00, exclusive of interests and costs.

7. In the Complaint, Plaintiff claims to be a citizen and resident of the State of Minnesota. (Compl. ¶1.)

8. At the time of the commencement of this action, Kyle was a citizen and resident of the State of Texas. (Compl. ¶2.)

9. Plaintiff does not state in the Complaint the specific amount of damages sought in this action. Rather, as required by Minn. R. Civ. P. 8.01, Plaintiff states in the Complaint only that the amount in controversy *exceeds* \$50,000.00. (Compl. at 17.)

10. Among other relief and in connection with his claim of unjust enrichment, Plaintiff seeks restitution of "all property and benefits unjustly received, including but not limited to income from the sale of *American Sniper* books and/or any subsidiary or ancillary rights sales." (Compl. ¶51.)

11. Defendant Kyle believes that proceeds from the sale of *American Sniper* books and/or any subsidiary or ancillary rights sales will exceed \$75,000.

12. In accordance with 28 U.S.C. §1446(d), after the filing of this Notice of Removal, Kyle will give written notice thereof to counsel for the Plaintiff and will file a copy of this notice with the Clerk of the Fourth Judicial District Court, Hennepin County, Minnesota. Attached

hereto as Exhibit C is a copy of Kyle's Notice of Filing of Notice of Removal, which will be filed (along with a file copy of this Notice) with the Clerk of the Fourth Judicial District Court, Hennepin County, Minnesota.

WHEREFORE, Defendant Chris Kyle hereby removes this action, from the Fourth Judicial District Court, Hennepin County, Minnesota, to the United States District Court for the District of Minnesota.

This the 23rd day of February 2012

FAEGRE BAKER DANIELS LLP

s/Leita Walker

John P. Borger, MN #9878

Leita Walker, MN #387095

2200 Wells Fargo Center

90 South Seventh Street

Minneapolis, MN 55402-3901

612-766-7000

**ATTORNEYS FOR DEFENDANT
CHRIS KYLE**